



COMMISSION MEETS IN GARDEN CITY

David L. Harvey Appointed Executive Director

The regular meeting of the Commission was held on September 15 at the Radcliffe Campus of Schoolcraft Community College. Many thanks to Mr. Fred Stanton and the staff from the Wayne County Regional Police Academy for hosting this event.

The highlight of this meeting was the appointment of Executive Director David L. Harvey. On April 23, we opened the application process for the Executive Director position, advertising nationally. We accepted applications through the May 21 deadline, advertising across Michigan, and in national venues. A series of exercises eventually narrowed the field of candidates to five. On July 15, the finalists participated in written and oral presentations made before the Commission's selection

committee in sessions that were posted and open to the public. That process produced a single finalist, Mr. David L. Harvey. Mr. Harvey was thoroughly vetted through an intense background investigation as well as psychological assessment. A related article on page two describes his extensive law enforcement and management background. Welcome, Dave Harvey!

The meeting opened with a Commission resolution thanking departing Commissioner Mike Moorman from the Michigan State Police Troopers Association for his service. Mr. Chris Luty has assumed the duties of representing the Troopers Association in Commission business.

The Commission's regular agenda for

this meeting included comments from Commission Chair, Sheriff James Bosscher, who noted the continuing decline in the number of law enforcement positions across Michigan. As of the end of September 1, Michigan has lost over 2,400 law enforcement positions, bringing the overall number of positions below the 21,000 mark for the first time this decade. This downward trend is now nine years strong.

A presentation from the Wayne County Regional Police Academy staff showcased the development of that program over the years into a first class law enforcement training program with graduates serving in countless law enforcement agencies across the state and the country.

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Sheriff James Bosscher, Chair and Executive Director Dave Harvey

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ABOUT DAVE HARVEY.....

Early this year, the Commission approved plans to schedule its September meeting in Garden City. Little did we know at that time that the Commission would be installing the City Manager from Garden City as the new Executive Director of the Michigan Commission on Law Enforcement Standards.



MCOLES Executive Director David L. Harvey was born in Hazard, Kentucky, which is part of the Appalachian Mountains. When he was 8 years of age, his family moved to Garden City where he grew up. Upon graduation from Garden City East High School, he immediately enlisted in the U. S. Army, which he indicates had a lasting and positive effect on his life.

Mr. Harvey actually began his law enforcement career in Garden City, at the age of fourteen, when he became a Police Explorer. That experience lasted over his adult life as he remained involved in the Explorer program serving as a member of the Michigan Law Enforcement Youth Advisory Committee and the Michigan Law Enforcement

Youth Training Academy. His involvement with the Police Explorer program lasted over 18 years.

Mr. Harvey is married and the father of a teenaged son, Tyler. He resides in Novi, where his wife, Lisa, has been a life long resident. Together, with their 130 pound bulldog, Macanudo, they enjoy golf and boating in northern Michigan.

David L. Harvey became employed as a police officer in 1980. Throughout his career there, he served in patrol, narcotics investigations, as a firearm instructor, detective, training supervisor, traffic services supervisor, and patrol shift commander. He held the ranks of Patrol Officer, Detective Sergeant, Lieutenant, and in 1999 he was appointed Chief of Police.

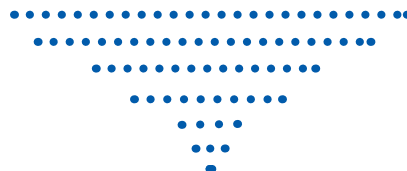
Mr. Harvey served as the Chief of Police of Garden City until his retirement in 2004. After a brief stint as the Chief of Police at Wayne County Metropolitan Airport, Mr. Harvey returned to Garden City late in 2004 to become City Manager.

Mr. Harvey's city management duties have included filling in as the city's human resources director, the city's planning and zoning administrator, and as the chief labor negotiator for the city. He has also served various roles in the

economic development of Garden City. He has administered a workforce of 200 full and part time employees and is proud of having achieved successive balanced budgets in challenged economic times while retaining all city services.

As Chief of Police of Garden City, Mr. Harvey gained statewide notice for resisting the pressures of the Wayne County Prosecutor who had demanded release of Garrity statements taken in the aftermath of an officer involved shooting. While he has spent most of his collective bargaining energies on the management side of the table, he has also negotiated from the labor side. In 2002, the Police Officers Association of Michigan honored Mr. Harvey as the organization's Police Administrator of the Year, partially in appreciation of his Garrity stance but also in recognition of his fair treatment of Garden City officers.

Mr. Harvey enjoys teaching. In the past, he has taught at Schoolcraft Community College, and he presently serves as an adjunct professor of criminal justice at Madonna University. Mr. Harvey received his Bachelor of Science degree at Madonna University, and he earned a Masters Degree in Public Administration at the University of Michigan, Dearborn.



COMMISSION MEETING

(Continued from page 1)

It is noteworthy that the Commission received a report on the current grant application cycle. Public Act 302 grant applications were due August 31. As a result of decreased funding, P. A. 302 Justice Training Grants will be more competitive this year. We expect to award in the neighborhood of \$1.3 million in grants in the upcoming cycle. In 2010, \$2.5 million was available for grants. In June, the Commission agreed to the following general criteria in arriving at an equitable distribution of grant funds for 2011.

- A narrowed list of training priorities.
- Incorporation of locally determined need into funding decisions.
- A 25% match for all Justice Training Grants.
- Increased Priority to in-state vendors and training.
- Detailed and specific instructions provided through mandatory grant application workshops.
- Enforced compliance with completion, submission, and reporting requirements.

The Commission will deliberate grant applications at its October workshop sessions, and final grant awards will be made in December.

On a positive note, a recently completed audit of the Michigan Justice Training Funds gave the program a clean bill of health with no material findings.

The Commission also received a report on a recent meeting of staff with statewide training directors who debated the use of e-learning in the educational process. A pilot program was recently operated at Northern Michigan University. Key concerns in the use of this type of learning tool

have surfaced. The poor quality of some initial e-learning products demonstrates a challenge in the transmitting



Chief Doreen Olko, Vice Chair, Sheriff James Bosscher, Chair, Executive Director Dave Harvey, and Mr. John Buczek

training content via an electronic portal versus more traditional means, i.e. lecture, reading, etc. Unanticipated challenges in producing quality e-learning have increased expenses. While some of these limitations have inhibited development, it clear that new strategies to transmit information in the electronic medium must be developed.

There were two revocations matters presented to the Commission at this meeting. Each case involved a law enforcement officer whose behavior resulted in a felony conviction, and in each case, the Commission revoked the officer's license to practice.

The next Commission meeting is scheduled in Lansing on October 26 and 27. A grant workshop for Commissioners will be conducted on October 26, as well as the regular meeting of the Commission on October 27.

Next Commission Meeting

October 26-27, 2010

Commission Offices

Hollister Building

106 W. Allegan, Suite 600

Lansing, MI 48909

INITIATION OF THE ADMINISTRATIVE RULE MAKING PROCESS

Section 9 of Public Act 203 of 1965, as amended, authorizes the Michigan Commission on Law Enforcement Standards to set minimum standards and promulgate rules to establish these minimum standards.

At the April 2008 Commission meeting a standard defining regular employment as 520 hours worked in a calendar year was unanimously passed by the Commission with an effective date of 2012. Since April 2008 the Commission has been holding meetings with constituent groups that will be impacted to discuss issues and concerns, as well as testifying before House and Senate committees reference the regular employment standard.

At the December 2009 Commission meeting the Commission unanimously adopted the Implementation Committee's recommendation to modify the MCOLES Color Vision standard to:

- 1) Retain use of the Ishihara Test for initial screening of law enforcement candidates;
- 2) Use the 4th edition Hardy Rand Rittler (HRR) Test as a diagnostic tool for candidates who have failed the Ishihara Test; and
- 3) Allow entry into the profession of candidates who are found to have normal color vision or mildly impaired color vision.

In order to implement the regular employment standard and make the needed changes to the administrative rules to implement the color vision standard revision, the Commission has initiated the administrative rule making process.

Within state government there is an established process for departments, commissions and boards to promulgate rules governing aspects of their statutory authority. (*See the Pro-*

cess Summary on page 5 of this newsletter.) The process begins with a Commission vote to forward a request for rule making through the department Regulatory Affairs Officer (RAO) to the State Office of Administrative Hearings and Rules (SOAHR).

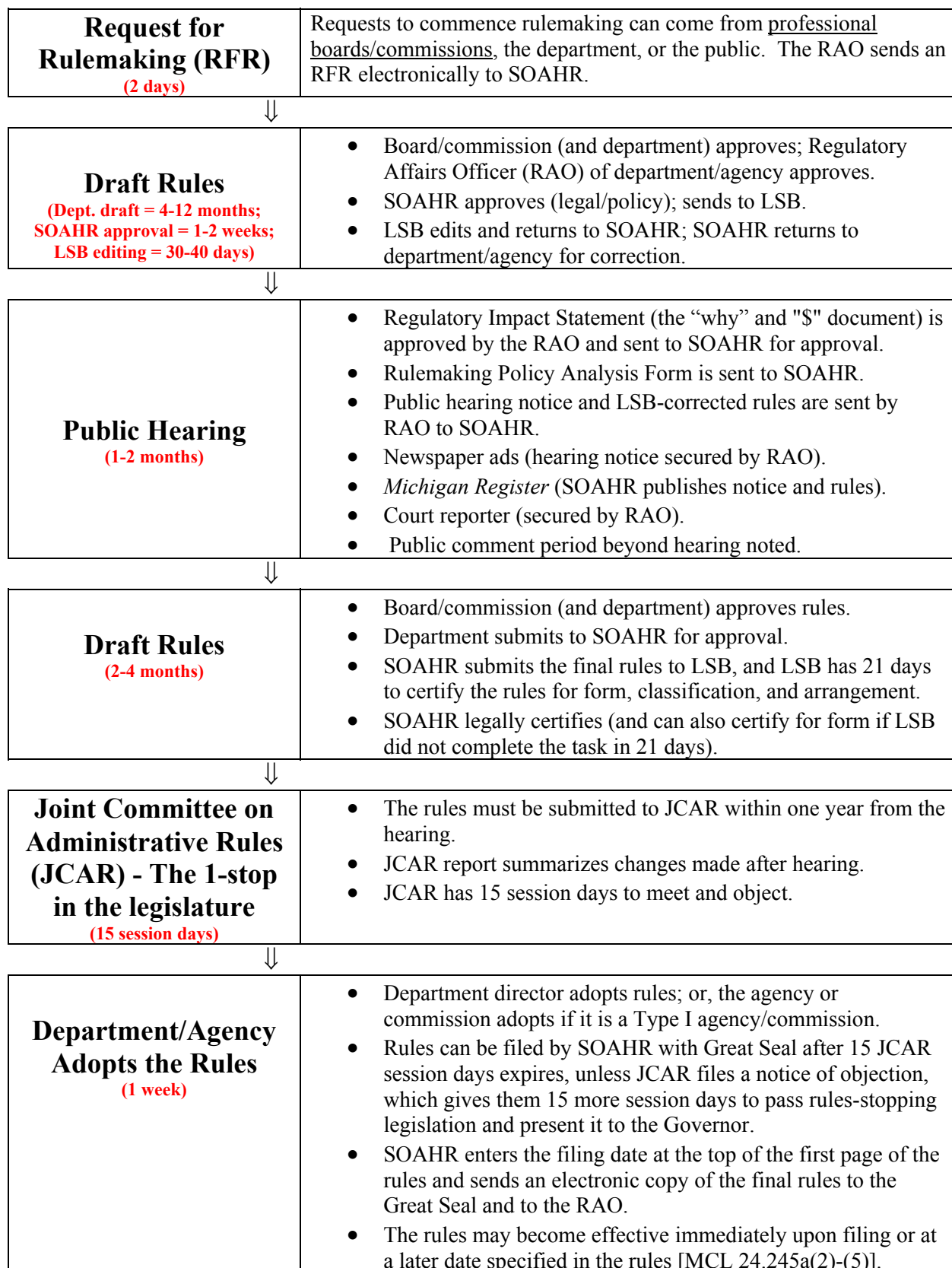
After SOAHR approval to enter into rule making, draft rules will be developed by Commission staff and Commission legal counsel for review by the Commission at the December 2010 Commission meeting. Upon Commission approval the draft rules will be forwarded by the RAO to SOAHR and then on to the Legislative Services Bureau (LSB) for review and editing. LSB will return to the Commission edited and approved draft rules for use during a public hearing/comment period.

After the hearings and the public comment period has closed, if necessary, the draft rules are revised and again approved by the Commission. After Commission approval they are submitted by SOAHR to LSB for a final review after which they are forwarded to the legislature's Joint Committee on Administrative Rules (JCAR). JCAR will have 15 session days to meet and object to the rules. JCAR will also produce a report of any changes made.

The final step will be adoption by the Commission of the final rules returned by JCAR and LSB. SOAHR will then file the rules with the Great Seal and forward a copy to the RAO. The rules may become effective upon filing or at a later date as specified in the rules.

The entire rule making process may take between 8 months to a year, or longer. Given the amount of work that has already been completed, the goal for completion of the rule making process is the June 2011 Commission meeting. This would allow six months for education of the field prior to the mandatory effective date of the regular employment rules. The color vision rules can be given immediate effect.

Administrative Rules Process in a Nutshell (2009)



SOAHR = State Office of Administrative Hearings and Rules

LSB = Legislative Service Bureau



MCOLES RETIREMENTS

Of late, we are witnessing the retirement of two long standing members of the MCOLES staff. Last June, Dan Furniss exchanged his computer for his golf clubs, and he hasn't been seen since! Following not far behind Dan will be Gary Ruffini who will make his exit at the end of September. Both Dan and Gary were career law enforcement officers who were fortunate enough to follow up their time on the street with productive careers at MCOLES.

Dan spent the first fifteen years of his law enforcement career working for the Lansing Township Police Department. This was followed by a stint as the Chief of Police in Hastings. Dan left Hastings to become a full time member of the Lansing Community College (LCC) faculty, working in the criminal justice program. Fifteen years ago, Dan was recruited away from LCC by the Michigan Law Enforcement Officers Training Council (MLEOTC), the predecessor organization to the modern day MCOLES.



Dan Furniss

Gary came to the MLEOTC after long service with the Flint Police Department, which included traffic crash reconstruction, homicide investigation, and training director of the Flint Police Academy. Gary originally worked in MCOLES field services, and he leaves MCOLES with just under 18 years of service, after spending the past year and one half sharing leadership duties in the capacity of co-director.



Gary Ruffini

Perhaps the most fitting honor to their long service with MCOLES is the legacy that Gary and Dan leave behind. The vast majority of law enforcement officers on the streets today have been touched in some way by the contributions of Gary Ruffini and Dan Furniss.

Congratulations, Gentlemen!

COMMISSIONER MIKE MOORMAN

At its September 15, 2010, meeting, the Commission honored Trooper Mike Moorman for his years of service as a Commissioner representing the Michigan State Police Troopers Association. We wish you well and thank you for your dedication to the law enforcement profession!



Sheriff James Bosscher and Trooper Mike Moorman

MCOLES MEMBERSHIP

Sheriff James Bosscher
Commission Chair

Michigan Sheriffs' Association

Chief Doreen Olko
Commission Vice Chair

Michigan Association of Chiefs of Police

Sheriff Gene Wriggelsworth

Michigan Sheriffs' Association

Col. Eddie L. Washington, Jr.

represented by

Lt. Col. Kriste Kibbey Etue

Michigan State Police

Attorney General Mike Cox

represented by Mr. Thomas C. Cameron

Chief Kurt Jones

Michigan Association of Chiefs of Police

Professor Ron Bretz

Criminal Defense Attorneys Association of Michigan

Mr. Christopher M. Luty

Michigan State Police Troopers Association

Chief Richard A. Mattice

Michigan Association of Chiefs of Police

President Marty Bandemer

Detroit Police Officers Association

Mr. Fred F. Timpner

Michigan Association of Police

Sheriff Robert Pickell

Michigan Sheriffs' Association

Mr. David Morse

Prosecuting Attorneys' Association of Michigan

Chief Ralph L. Godbee, Jr.

represented by

Deputy Chief Gail Wilson-Turner

Detroit Police Department

Mr. James DeVries

Police Officers Association of Michigan

Mr. John Buczek

Fraternal Order of Police

Mr. Richard R. Weiler

Police Officers Labor Council

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